

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

LANDS – Warangal District – Revision Petition filed by Sri M. Narayana Reddy, S/o Krishna Reddy, Executive Engineer, Irrigation & CAD, Division 4, K.C. Colony, Hanamkonda, Warangal District against the orders passed by the District Revenue Officer, Warangal under Section 166-C of Andhra Pradesh (T.A.) Land Revenue Act, 1317 Fasli - Allowed - Orders – Issued.

REVENUE (ASSIGNMENT-I) DEPARTMENT

G.O.Ms.No. 738

Dated:06-08-2010.

Read the following:-

1. From the District Revenue Officer, Warangal, Proceedings No. E3/8008/2005, dt. 23.5.2007.
2. Revision Petition filed by Sri M. Narayana Reddy, S/o. Krishna Reddy, Executive Engineer, I & CAD, Division 4, K.C. Colony, Hanamkonda, Warangal District, dated 20.11.2008.
3. Govt. Memo No. 61539/Assn.II (2)/2008-1, Dated: 17-12-2008 and 8.6.2009.
4. Orders of High Court of A.P., Hyderabad, dated 28.7.2009 in W.P.No.14706 of 2009.
5. From the Collector, Warangal, District, Rc.No.E3/8008/05, dated 29.7.2009.
6. Govt. Memo No. 61539/Assn.II (2)/2008-3, dated: 21-8-2009.
7. From the Collector, Warangal District, Rc.No.E3/1972/09 dated 30.7.2009.
8. Written arguments filed by the Counsel for the Petitioner dated 3.10. 2009.
9. Written arguments filed by the Counsel for the Respondent-4, dated 3.10.2009.

ORDER :-

In the reference 1st read above, the District Revenue Officer, Warangal under Section 166-B of A.P. (T.A.) L.R. Act, 1317 Fasli, has ordered to cancel the name of Kakatiya Canal in the Revenue Records and record the name of Sri Kondam Yellaiah in respect of Sy. No. 163/B2 to an extent of Ac. 1-10 gts. of Bheemaram Village of Hasanparthy Mandal with effect from 1987- 88 to 2002-03 as recorded earlier up to 1986-87 and the Tahsildar , Hasanparthy was directed to take necessary action for rectification of entries as recorded above.

2. In the reference 2nd read above, Sri M. Narayana Reddy, S/o. Krishna Reddy, Executive Engineer, I & CAD, Division 4, K.C. Colony, Hanamkonda, Warangal District has filed Revision Petition under Section 166-C of A.P. (T.A.) Land Revenue Act, 1317 Fasli, before the Government against the orders of the District Revenue Officer, Warangal in Proceedings No. E3/8008/2005, dated 23-5-2007. Wherein it was ordered to cancel the name of canal in the revenue records and also to record / enter the name of Sri Kondam Yellaiah in r/o. Sy. No. 163/B2 to an extent of Ac. 1.10 Gts. of Bheemaram village Hasanparthy Mandal with effect from 1987-88 to 2002-03 as already recorded upto 1986-87.

3. Sri M. Narayana Reddy, S/o Krishna Reddy, Executive Engineer, I & CAD, Division, K.C. Colony, Hanamkonda Warangal District in his Revision Petition

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dated 1.12.2008 has stated as follows:-

- (i) The 4th respondent i.e., Sri Kondam Yellaiah S/o Kanakaiah herein filed application stating that the entry is recorded erroneously in the name of KaKatiya Canal for an extent of Ac.1-10 Gts., in Sy.No.163/B in Revenue Records and requested to delete the entry of Kakatiya Canal and enter the name of respondent in the revenue records.
- (ii) As per the award No.2/80-81 dt. 20.1.1981 an extent of Ac.7-24 Guntas was acquired in Sy.No.163 and compensation was paid to only Ac. 0.11 gts.
- (iii) As per the Award No.3/80-81, dated 20-01-1981, the compensation payable for Ac.0-39 guntas was appropriated among the pattadar Kondam Kanakaiah and others, and accordingly it was paid.
- iv) Thus out of Ac.1-17 guntas in Sy.No.163/B held by Sri Kondam Kanakaiah (Father of Respondent No.4) an extent of Ac.0-11 + 0-39 = Ac.1-10 Guntas was acquired and the balance extent of Ac.0-07 Guntas was held by the pattadar.
- (v) The Government in Irrigation and Command Area Development, Department through the Special Deputy Collector, L.A., S.R.S.P. Unit – I, Hanumakonda, Warangal District has acquired 45 acres agriculture land within the limits of Bheemaram village of Hasanparthy Mandal, Warangal District for public purpose of excavation of KC Canal, Camp Building, etc., under Sriram Sagar Project in the year 1980-81 by paying land compensation as per the awards passed under the L.A. Act.
- (vi) On the report submitted by the Mandal Revenue Officer, Hasanparthy on 16-11-2006, the District Revenue Officer has ordered to cancel the name of Kakatiya Canal in the Revenue Records and recorded the name of the 4th Respondent herein in respect of Sy.No.163/B2 to an extent of Ac.1-10 guntas of Bheemaram village of Hasanparthy Mandal w.e.f., 1987-88 to 2002-2003 as recorded earlier upto 1986-87 without following due procedure and proper verification of record.
- (vii) On 5.3.2007 the 4th Respondent herein along with others made an illegal attempt to occupy the acquired land, upon which a complaint was given to the Police. He has also stated that Ac.1.17 gts was in his fathers name out of which 0.11 gts was acquired by the Irrigation Dept., and the remaining 0.07 gts has been sold by him. In spite of it was erroneously recorded in the name of Kakatiya Canal and therefore requested to enter his name in Revenue Records.
- (viii) The District Revenue Officer has arbitrarily ordered to enter the name of Sri Kondam Yellaiah and to deleted the name Kakatiya Canal vide his Proceedings dt. 23.5.2007.
- (ix) The proceedings issued by the District Revenue Officer, Warangal in E3/8008/2002 dated 23-5-2007 are adversely affecting the interest of the Irrigation & CAD Department in as much as the said land has been acquired for public purpose for which compensation was paid under the Land Acquisition Act. Immediately on coming to know about the passing of the said orders through the Special Deputy Collector, Warangal this petitioner has filed review petition before the District Revenue Officer, Warangal on 23-07-2007. The District Revenue Officer advised the Irrigation Department to approach the Government u/s. 166-c as he has no powers to review the orders passed by him. In the meanwhile, the 4th respondent had filed a Writ Petition before Hon'ble High Court in W.P.No.15312 of 2007 seeking a direction to implement the orders passed by the District Revenue Officer, Warangal dated 23.05.2007.

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(x) The Irrigation Department was not made party and the and the 4th respondent misrepresented the facts and got orders from the District Revenue Officer for lands acquired long back in the year 1981.

(xi) The petitioner approached the Chief Commissioner of Land Administration and withdrawan the application and approached the District Revenue Officer after withdrawing the application before CCLA and hence delay is caused. Hence he requested the delay may be condoned. He also prays the Government to condone the delay and to cancel the orders of the District Revenue Officer dt. 23.5.2007.

4. In the reference 3rd read above, Government have admitted the revision petition and ordered stay of the Proceedings No.E3/8008/2005, Dated 23-5-2007 of District Revenue Officer, Warangal and also called for the connected records and para wise remarks on the above R.P from the District Collector, Warangal till disposal of the RP.

5. In the reference 4th read above, the Hon'ble High Court in its order dated 28.7.2009 has ordered to dispose the Revision petition preferably within 30 days from the receipt of the order in W.P.No. 14706/2009 filed by Sri Kondam against the Stay orders issued in Govt. Memo. No. 61539/ Assn.II(2)/2008-1, dt.17.12.2008. Accordingly, in Govt. Memo. 6th read above, notices were issued to all concerned to attend the hearing on 19.9.2009.

6. The District Collector, Warangal in the reference 5th read above in his parawise remarks has stated that Sri Kondam Yellaiah, Respondent 4, stated u/s 166-B of A.P.(T.A.) L.R. Act 1317F before the District Revenue Officer, Warangal that his father late Sri Kankaiah was the owner of Ac.1.17gts. Out of which 0.11 gts was acquired by the Special Deputy Collector, Land Acquisition, and 0.07 gts was sold by himself and erroneously the name of Kakatiya Canal was entered and that the M.R.O. Hasanparthy stated that the lands were acquired for camp building and septic tank and that Kodam Kanakaish moved A.P.High Court who directed to dispose of the case within a period of three months from the date of receipt of appeal under section 166 –B of the Act, and that the DRO in his proceeding dt. 23 .5.2007 ordered to cancel the name of Kakatiya Canal in the Revenue records and enter the name of Kodam Yellaiah in respect of Sy. No. 163/B2 to an extent of Ac. 1.10 gts with effect from 1987-88 to 2002-2003 as recorded earlier. And that the Executive Engineer fled Revision Petition before the CCLA and after hearing, stay granted up to 28.12.2007 and that Sri K. Yellaiah again filed another W.P. before the High Court of Andhra Pradesh.

7. The District Collector, has also reported that there is a clear error in recording entries in pahani and the entries in either 1981-82 or 1982-83 are correct. It is further submitted that depending only on the report of the MRO., Hasanparthy, the impugned orders were issued. Hence, the fact of the admission of Sri Kondam Yellaiah to pay the compensation to others on behalf of him for an extent of Ac. 0.35 gts of the same survey number during the award enquiry was not brought to the notice of the revision authority before passing the impugned order.

8. On the reports received from the District Collector, Warangal, a hearing was conducted on 19-09-2009 and after hearing the case Government have ordered for calling written arguments both from the petitioner and respondents. Accordingly, written arguments were filed by both the Counsels for the petitioner i.e., the Executive Engineer, I & CAD, Division-4, K.C. Colony, Hanamkonda in the reference 8th read above, and the Counsel for Sri Kodam Yellaiah, Respondent No. (4) in the reference 9th read above.

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9. Government, after perusal of the original records and going through the contention in the Revision Petition filed by Sri M. Narayana Reddy, S/o. Krishna Reddy, Executive Engineer, I & CAD, Division 4, K.C.Colony, Hanamkonda, Warangal District, report of the District Collector, Warangal and after hearing the arguments from both the petitioner and respondent 4 and also after perusal of written arguments filed by both the Counsels for the petitioner and respondent 4, it is observed that the fact of payment of compensation on behalf of Sri Kondam Yellaiah to other was not recorded by District Revenue Officer, Warangal, which has a vital bearing on the case. Once Land Acquisition proceedings are completed the land ownership is transferred in the name of requisitioning department.

10. After careful examination, Government hereby allow the Revision Petition filed by Sri M. Narayana Reddy, S/o. Krishna Reddy, Executive Engineer, Irrigation & CAD, Division 4, K.C. Colony, Hanamkonda, Warangal District and set aside the orders of the District Revenue Officer, Warangal issued in Proceedings No. E3/8008/2005, dated 23.5.2007. The District Collector, Warangal shall take necessary action accordingly.

11. The original records received in the reference 7th read above are herewith returned to the District Collector, Warangal and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT**

To

The District Collector, Warangal (with original records).

Sri M. Narayana Reddy, S/o . Krishna Reddy
Executive Engineer, Irrigation & CAD, Division-4,
K.C.Colony, Hanamkonda Warangal District.

Sri Kondam Yellaiah, S/o Kanaaiah,
R/o Bheemaram, Hasanparthy Mandal, Warangal District.**(through Tahsildar,
Hasanparthy Mandal, Warangal District) (By Regd. post)**

The Tahsildar, Hasanparthy Mandal, Warangal District.

The Spl. Deputy Collector (LA),S.R.S.P. Unit I, Hanamkonda, Warangal District.

Copy to:

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SF/SC.

// Forwarded :: By Order //

SECTION OFFICER